



RECEIVED

DEC 23 2002

TECH CENTER 1600/2900

PATENT
ATTORNEY DOCKET NO. 44921-5028-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Darcie T. HORNE *et al.*

Application No.: 09/880,107

Filed: June 14, 2001

For: GENE EXPRESSION PROFILES IN LIVER CANCER

Group Art Unit: 1634

Examiner: Chakrabarti, A. K.

Commissioner for Patents
Washington, D.C. 20231

Sir:

AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is an Amendment in response to the Office Action dated September 5, 2002 (Paper No. 9).

2. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

☒ Applicant petitions for an extension of time, the fees for which are set out in 37 CFR § 1.17(a), for the total number of months checked below:

Total Months Requested	Fee for Extension	[Fee for Small Entity]
<input checked="" type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$200.00
<input type="checkbox"/> three months	\$ 920.00	\$460.00

Extension of time fee due with this request: \$55.00

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for ___ months has already been secured and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

3. Constructive Petition

- ☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

4. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	21	minus	87	0	x \$18 each=	+ \$.00
Independent Claims (37 C.F.R. §1.16(b))	11	minus	17	0	x \$84 each=	+ \$.00
[] First presentation of Multiple dependent claim(s)					\$280.00	+ \$
SUB-TOTAL =						\$.00
Reduction by ½ for small entity =						- \$.00
TOTAL FEE =						\$.00

5. Fee Payment

- ☐ No fee is to be paid at this time.
- ☒ The Commissioner is hereby authorized to deduct the following total amount from Deposit Account No. 50-0310: \$55.00 for a one-month extension of time.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 CFR §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: December 19, 2002

By: Michael S. Tuscan
Michael S. Tuscan, Ph.D.
Reg. No. 43,210

CUSTOMER NO. 09629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202-739-3000
202-739-3001 (fax)